

## Chapter 42

### FENCES AND WALLS

§ 42-1 Purpose.

§ 42-2 Definitions.

§ 42-3 Regulations.

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### GENERAL REFERENCES

Historic District - See Ch. 64

Steep Slope Protection - See Ch. 106.

Swimming Pools, Spas and Hot Tubs - See Ch. 114.

Zoning - See Ch. 134.

**§ 42-1. Purpose.** The intent of this Chapter is to ensure the safety of residents and visitors and to strike a balance between neighborly street character and residents' desire for privacy.

**§ 42-2. Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

**FENCE** - Any structure, regardless of composition that is erected or maintained for the purpose of enclosing a piece of land or dividing a piece of land into distinct portions. For the purpose of this chapter, walls and gates will be considered Fences.

**FENCE, DEER** - Fence composed of posts, and plastic or metal mesh

**FENCE, SWIMMING POOL** – Fence surrounding a swimming pool (see Chapter 114 Swimming Pools, Spas and Hot Tubs).

**GATE** - A moveable barrier. See Fence definition above.

**HEIGHT** - The vertical distance measured from the natural grade of the land along the base of the Fence to the top of the Fence.

**WALL** - A masonry barrier constructed of materials such as brick, block or stone (see FENCE definition above).

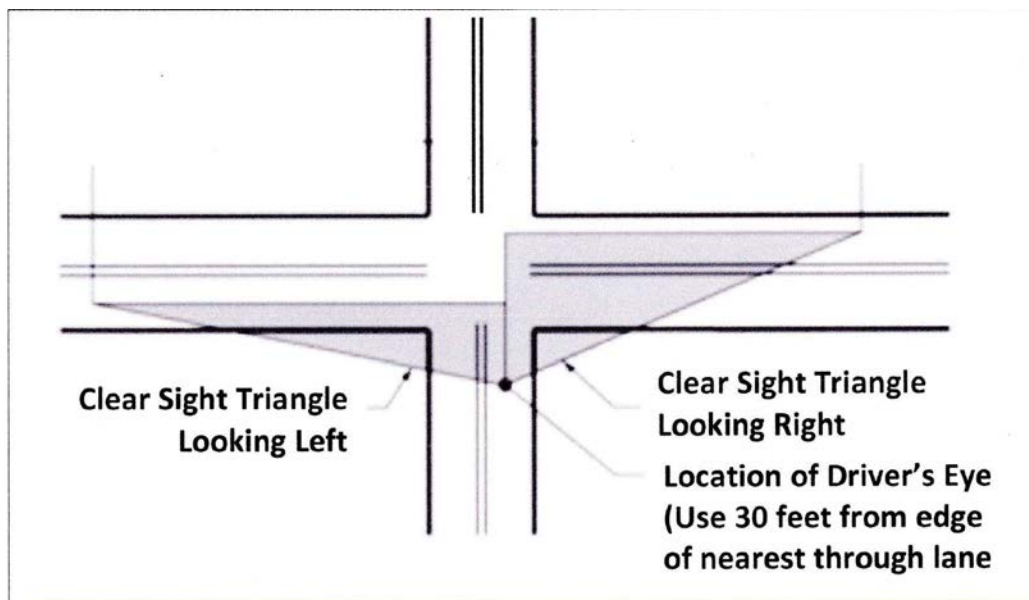
**YARD, FRONT** - An open, unoccupied space on the same lot as the building, between the building and the front lot line and extending the full width of the lot.

**YARD, REAR** - An open, unoccupied space on the same lot as the building, between the building and the rear lot line and extending the full width of the lot.

**YARD, SIDE** - An open, unoccupied space on the same lot as the building, situated between the building and the side lot line.

**§ 42-3. Regulations.**

- A. All Fences over three (3) feet shall require a building permit for installation.
- B. The finished side of the Fence shall face neighboring properties and/or the street.
- C. All Fences shall be located entirely on the Fence owner's property.
- D. All Fences shall be maintained in good repair, free of any condition that would present a public safety hazard/issue or adversely affect adjoining properties. The property owner on whose land the Fence is located shall be responsible for the maintenance of both sides of the same, provided that if the abutting property owner does not provide access for such maintenance, the property owner shall be relieved of the obligation for maintaining the finished side of the Fence.
- E. No Fence shall encroach upon a public right-of-way or interfere with vehicular or pedestrian traffic or interfere with visibility on corner lots. Fences, erected or constructed, shall be placed within the property lot line and a minimum of one (1) foot back from said lot line.
- F. At all Street intersections, no obstructions to vision, exceeding thirty (30) inches in Height above finished grade of road bed, shall be erected or maintained on property within the triangle formed by the Street lines of such property and a line drawn between points along such Street lines thirty (30) feet distant from their point of intersection.

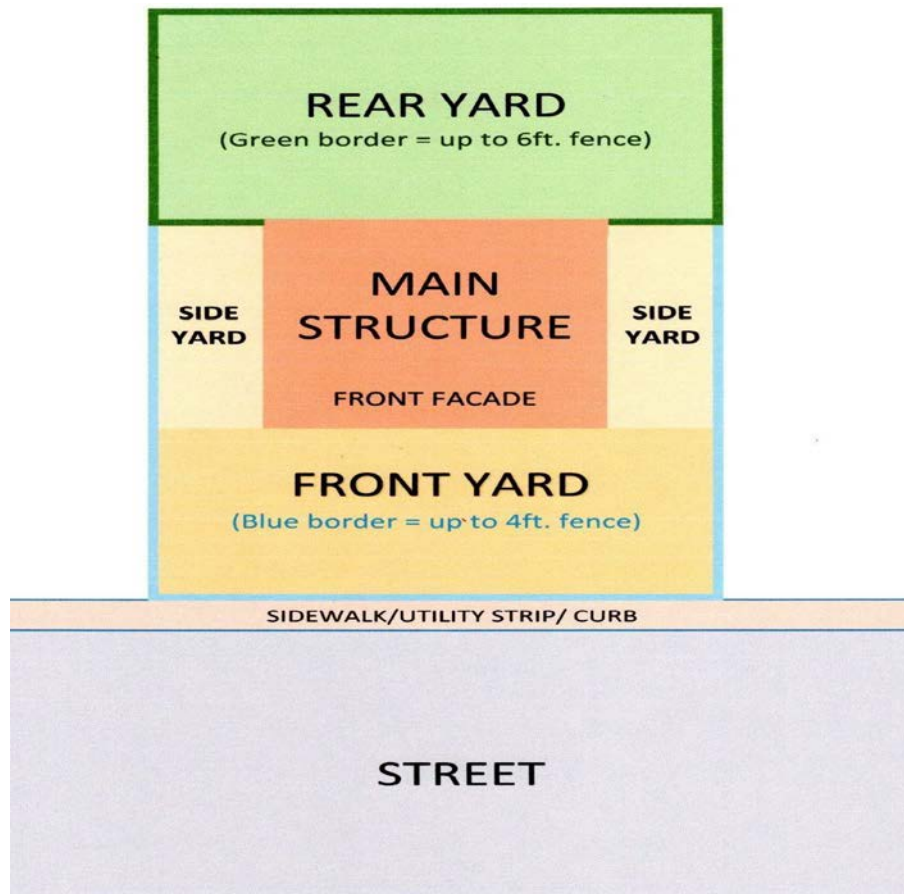


## IMAGE #1

### Street Intersections

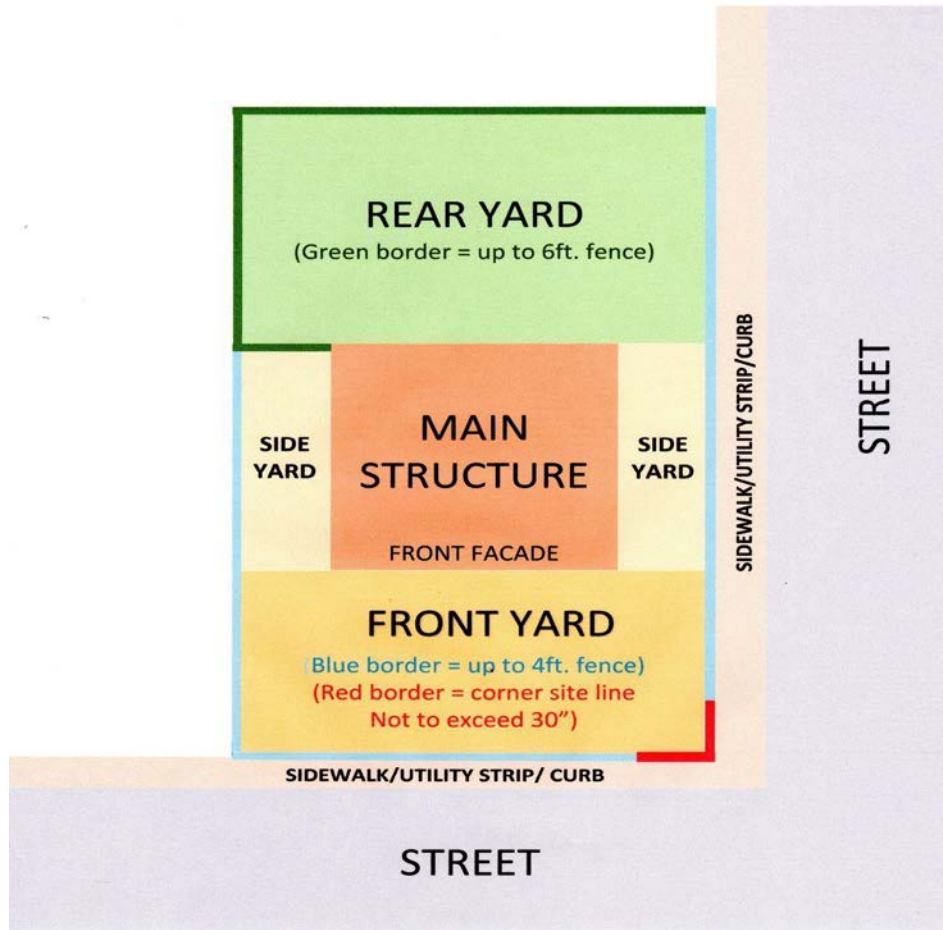
G. Height of Fences, unless otherwise specified within this Chapter, or unless otherwise directed by the Planning Board as a result of site plan or special permit review, shall be as follows:

- (1) Within the Front Yard - not to exceed four (4) feet.
- (2) Within the Side Yards, not to exceed four (4) feet
- (3) Within the Rear Yard - not to exceed six (6) feet. If a Rear Yard is along a sidewalk or Street, the Front Yard rules apply.
- (4) Fence post caps or finials may extend up to six (6) inches above Fence panels.



## IMAGE #2

### Non-Corner Lot



**IMAGE #3**  
**Corner Lot**

- H. Height of Deer Fencing shall not exceed eight (8) feet. Deer Fencing may be installed in side and rear yards, and must conform to § 42-3 F.
- I. Height of Swimming Pool Fence, see Chapter 114 (Swimming Pools, Spas and Hot Tubs).
- J. Walls must conform with Chapter 106 (Steep Slope Protection).
- K. No Fence shall be permitted which is expressly designed with the intent to injure or maim anyone who attempts to climb such Fence.
- L. Fences on properties in the Historic District must comply with Chapter 64 (Historic District).
- M. Any replacement of pre-existing non-conforming Fences shall comply with this Chapter.
- N. Fences must conform with Chapter 134-14, Scenic Viewshed Overlay District.

**§ 42-4 Enforcement.**

The Village of Cold Spring Code Enforcement Officer will enforce the provisions of this Chapter.

**§ 42-5 Penalties**

Any person, firm or corporation committing an offense against any of the provisions of this Chapter shall be guilty of a violation under the Penal Law and, upon conviction thereof, shall be punishable by a fine of not more than two hundred fifty dollars (\$250) or by imprisonment for not more than fifteen (15) days, or both. If the offense is not corrected within fifteen (15) days an additional penalty of no more than two hundred fifty dollars (\$250) will be levied every fifteen (15) days thereafter.

**§ 42-6 Variances.**

The Zoning Board of Appeals (ZBA) is hereby vested with jurisdiction to review and grant variances from the provisions herein, based upon considerations due to the lot size, terrain, or other factors. Such variance shall be in the nature of an area variance and governed by provisions set forth in New York State Village Law 7-712-b and Article VII of Chapter 134 of the Village Code.